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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,244	02/24/2004	Ludger Mimberg	NVID-P001166	2724
45594	7590	12/14/2007		
NVIDIA C/O MURABITO, HAO & BARNES LLP TWO NORTH MARKET STREET THIRD FLOOR SAN JOSE, CA 95113			EXAMINER BRANDT, MICHAEL J	
			ART UNIT 2837	PAPER NUMBER
			MAIL DATE 12/14/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/786,244

Applicant(s)

MIMBERG, LUDGER

Examiner

Michael Brandt

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5-9, 12 and 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,742,142 (hereinafter Witt).

Regarding claims 1, 18 and 23, Witt discloses (Fig. 3) a fan speed controller comprising a PWM generator 22 for generating a PWM signal, wherein an operating frequency of said PWM generator 22 is approximately within the range of 200-1000 kHz (col. 3, lines 27-30), and a drive stage circuit 26, 28, 30 and 32 coupled to the PWM generator 22 and for switch mode converting a supply voltage into a linear voltage for driving a fan, wherein a voltage level of linear voltage is a function of the PWM signal (Abstract, col. 2, lines 56-67, col. 3, lines 1-40 and col. 4, lines 20-38). It should be noted that Witt is related to blower motor for heat and ventilation (col. 1, lines 10-22), i.e. a fan, and further provides that same structure for switching PWM to linear voltage (sinusoidal ripple voltage) (Abstract, col. 2, lines 56-67, col. 3, lines 1-40 and col. 4, lines 20-38).

Regarding claims 2 and 24, Witt discloses an operating speed of the fan (motor) is a function of the voltage level of the linear voltage (col. 2, lines 2-6).

Regarding claims 5 and 8, Witt discloses (Fig. 3) a fan speed controller comprising a PWM generator 22 for generating a PWM signal, wherein an operating frequency of said PWM generator 22 is approximately within the range of 200-1000 kHz (col. 3, lines 27-30), and a drive stage circuit 26, 28, 30 and 32 coupled to the PWM generator 22 and for switch mode converting a supply voltage into a linear voltage for driving a fan, wherein a voltage level of linear voltage is a function of the PWM signal (col. 2, lines 56-67, col. 3, lines 1-40 and col. 4, lines 20-38). Witt discloses (Fig. 3) a first transistor 26 having a gate for receiving said pulse width modulation signal and a source coupled to a first potential, a current shunting element 32 having a first terminal coupled to a drain of the first transistor and a second terminal coupled to a second potential, a capacitor 30 having a first terminal coupled to the second terminal of the current shunting element, and an inductor 28 having a first terminal coupled to a second terminal of the capacitor and a second terminal coupled to the first terminal of the current shunting element and to the drain of the first transistor.

Regarding claims 6-7 and 19-22, Witt discloses a 33  $\mu$ H inductor, a 47  $\mu$ F capacitor (col. 3, lines 19-20), and a difference between a first and second potential of approximately 7 volts (col. 3, lines 18-33). Regarding claims 6 and 21 specifically, all capacitors inherently have an ESR, which is determined as a function of the voltage across the capacitor, i.e. as a function of the first and second potentials.

Regarding claim 9, Witt discloses (Fig. 3) a current shunting element 32 comprising a diode having an anode coupled to the drain of said first transistor 26 and

to the second terminal of the inductor 28, and a cathode coupled to said second potential and to said first terminal of said capacitor.

Regarding claims 12 and 17, Witt discloses (Fig. 3) a fan (motor) coupled across the capacitor 30 where the linear voltage for driving the fan is generated across the capacitor 30 (Abstract, col. 2, lines 56-67, col. 3, lines 1-40 and col. 4, lines 20-38).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4, 11, 13-16 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witt and further in view of USPN 6,801,004 (hereinafter Frankel).

Witt discloses the limitations of claims 1, 8, 12 and 23-24 as noted above. However, Witt does not expressly disclose a thermal sensor coupled to eh PWM generator or a speed sensor coupled to the fan motor.

Frankel discloses (Figs. 1 and 5) a system and method of controlling cooling fan speeds that includes a thermal sensor 116 coupled to the PWM generator 120 (col. 7, lines 1-6) and a speed sensor 116 coupled to the fan motor. Further, the fan motor is feedback controlled based on the signals provided from the sensors (col. 5, lines 47-62). It would have been obvious to one of ordinary skill in the ad at the time of invention to combine the teachings of Witt with that of Frankel. The advantage of combining the

teachings would be to provide an intelligent fan speed control system capable of adjusting the fan motor/cooling system based on the speed of the motor and a thermal temperature of the system.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Witt as applied to claim 8 above, and further in view of USPN 4,706,180 (hereinafter Wills).

Witt discloses the limitations of claim 8 as noted above, however does not expressly disclose said current shunting element comprising a second transistor having a gate for receiving a complement of said pulse width modulation signal, a source coupled to said drain of said first transistor and to said second terminal of said inductor, and a drain coupled to said second potential and to said first terminal of said capacitor.

Wills discloses (Fig. 1) a current shunting element 18 comprising a second transistor having a gate for receiving a complement of said pulse width modulation signal C, a source coupled to said drain of said first transistor 19 and to said second terminal of said inductor 41, and a drain coupled to said second potential 31 and to said first terminal of said capacitor 24.

At the time of invention it would have been obvious to a person of ordinary skill in the art to combine the fan speed controller of Witt circuit layout of Wills. The motivation would have been to provide more accurate control and greater controllability within the fan speed controller of Witt.

***Response to Arguments***

6. Applicant's arguments, see final paragraph of page 9, filed 8/20/2007, with respect to claims 1-26 have been fully considered and are persuasive. The rejection of 5/15/2007 has been withdrawn. Upon further review of the 103(a) rejection of 5/15/2007, Examiner agrees that there is no motivation to combine Witt and Makaran due to the fact that Makaran discloses the claim limitations of the instant application as noted above.

In response to Applicant's argument regarding claims 6 and 21 specifically, all capacitors inherently have an ESR, which is determined as a function of the voltage across the capacitor, i.e. as a function of the first and second potentials.

In response to Applicant's arguments regarding claims 3-4, 11, 13-16 and 25-26, the claims from which these claims depend now stand rejected under the current prior art rejection.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please consult the Notice of References Cited for further information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brandt whose telephone number is (571) 270-1745. The examiner can normally be reached on Monday through Thursday 7:30a.m. - 6:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a



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Bentsu RO 12/10/2007  
BENTSU RO  
PRIMARY EXAMINER